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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ROSAURA DERAS, ALEXANDER
SANTIAGO, and MARIA ELENA
SANTIAGO, individually and on behalf of a
class of similarly situated individuals,

Plaintiffs,

vs.

VOLKSWAGEN GROUP OF AMERICA,
INC.,

Defendant.

Case No.: 3:17-cv-05452 - JST

**STIPULATION CONTINUING CASE
MANAGEMENT CONFERENCE**

Judge: Jon S. Tigar

1 WHEREAS on September 20, 2017, Plaintiff Rosaura Deras (“Plaintiff”) filed her
2 Complaint;

3 WHEREAS on November 13, 2017, pursuant to a stipulated extension of time, Defendant
4 filed a motion to dismiss Plaintiff’s Complaint;

5 WHEREAS on November 24, 2017, Plaintiff filed a First Amended Complaint;

6 WHEREAS on January 15, 2018, pursuant to a stipulated extension of time, Defendant
7 filed a motion to dismiss the First Amended Complaint;

8 WHEREAS on May 16, 2018, the Court *sua sponte* continued the Case Management
9 Conference that was scheduled on May 23, 2018 to July 18, 2018, due to the Court’s
10 forthcoming decision and order on Defendant’s motion to dismiss;

11 WHEREAS on May 17, 2018, the Court issued its Order granting in part Defendant’s
12 motion to dismiss, with leave to file a further Amended Complaint;

13 WHEREAS on May 21, 2018, pursuant to a stipulated request, the Court continued the
14 Case Management Conference from July 18, 2018 to August 1, 2018;

15 WHEREAS on June 16, 2018, Plaintiffs filed a Second Amended Complaint;

16 WHEREAS on June 26, 2018, pursuant to stipulated request, the Court continued the
17 Case Management Conference that was scheduled for August 1, 2018 to December 12, 2018,
18 which the Court noted was “a date after determination of VWGoA’s motion to dismiss”;

19 WHEREAS, on July 27, 2018, pursuant to a stipulated extension of time, Defendant filed
20 a motion to partially dismiss the Second Amended Complaint, which was fully briefed by
21 September 13, 2018;

22 WHEREAS on October 25, 2018, the Court vacated the hearing on Defendant’s motion
23 to dismiss that was scheduled for November 1, 2018, finding the matter suitable for disposition
24 without oral argument;

25 WHEREAS Defendant’s motion to dismiss the Second Amended Complaint is
26 *sub judice*;

27 WHEREAS because the Court’s ruling on Defendant’s motion to dismiss the Second
28 Amended Complaint will determine which claims are subject to litigation, and will therefore

1 materially impact the Case Management Conference, as well as the formulation of an updated
 2 Joint Case Management Statement, counsel jointly and respectfully request, in accordance with
 3 the Court's June 26, 2018 Order, that the Case Management Conference be held after the Court
 4 decides Defendant's motion to dismiss the Second Amended Complaint;

5 WHEREAS counsel have conferred and agreed, subject to the Court's approval, that the
 6 Case Management Conference be continued from December 12, 2018 to January 16, 2019, at
 7 2:00 p.m., or if the motion to dismiss has not yet been decided, to such date thereafter that is
 8 convenient to the Court, and that the date for filing an updated Joint Case Management
 9 Statement be adjusted accordingly;

10 WHEREAS the agreed-to and requested continuance will not otherwise alter the date of
 11 any event or deadline already fixed by Court order, and this stipulated request is being filed 14
 12 days before the scheduled conference as required by Rule 6-1(b) of the Local Civil Rules of the
 13 United States District Court for the Northern District of California;

14 NOW THEREFORE, pursuant to Rules 6-1(b) and 6-2 of the Local Civil Rules of the
 15 United States District Court for the Northern District of California, it is hereby stipulated by and
 16 between Plaintiffs and Defendant, through their undersigned counsel, and respectfully requested
 17 that the Court continue the Case Management Conference from December 12, 2018 to
 18 January 16, 2019, at 2:00 p.m., or if the pending motion to dismiss has not yet been decided, to
 19 such other date thereafter that is convenient to the Court, and that the current December 3, 2018
 20 filing date for the updated Joint Case Management Statement be extended accordingly.

21 **IT IS SO STIPULATED.**

22
 23 Dated: November 27, 2018

HERZFELD & RUBIN P.C.

24
 25 By: s/ Michael B. Gallub
 26 Michael B. Gallub (*pro hac vice*)
 27 Attorney for Defendant,
 28 Volkswagen Group of America, Inc.



1 Dated: November 27, 2018

**THE LAW OFFICE OF STEPHEN M.
HARRIS, P.C.**

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3
4 By: /s/ Stephen M. Harris
5 Stephen M. Harris
6 **Attorney for Plaintiff**
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ATTESTATION UNDER LOCAL RULE 5-1(i)(3)

I, Craig L. Winterman, am the ECF User whose ID and password are being used to file this Stipulation Continuing Case Management Conference pursuant to Civil L.R. 6-2. In compliance with Local Rule 5-1(i)(3), I hereby attest that Stephen M. Harris, counsel for Plaintiff, has concurred in this filing.

Dated: November 28, 2018

By:

s/Craig L. Winterman

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